

**RFP Clarifications Questions
IRS Files Activity
Contracting (PUBLIC)**

Comment Provided By	Question Number	RFP Paragraph Number	Comment	CO Response
Respondent 1	1	Section L	Reference Section L Sub factor 3 – Continuity of Operations Plan (COOP). Since we are required to base of our Continuity of Operations Plan on the Business Continuity Plans for each site, we need to have access to the existing plans to ensure compatibility when they become merged as it so states in the RFP. Please provide the Business Continuity Plans for each location as they provide the requirements that we must meet with respect to government contingency structure, government and contractor responsibilities, coordination, and time frames for establishing capabilities.	Please see response to Question 63 under “Responses to Draft RFP Public/Private Comments” Contract Related on the http://www.irs.gov website under Business Opportunities. The existing Business Continuity Plans will not be provided to potential Service Providers (SP).
	2		In our efforts to generate a responsive proposal, we have sought additional information from existing IRS publications. However, a number of them are listed as not normally available in the public domain. How can we gain access to those documents.	Publications/documents that cannot be accessed by the SP's on the public domain or Technical Reference Library will not be made available by the Government. The Technical Reference Library is located at the Andover, MA Files site. Refer to RFP Amendment No.1 for contact information.

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	3		<p>Section J-1, Department of Labor Wage Determination and Area, as amended by Amendment 1 of the solicitation, provides a table of federal equivalent positions, listed by Civil Service Grade, numbers of employees in each grade, and the hourly equivalent rate at Step . This table also provides the DOL SCA # for the equivalent position as well as the applicable DOL Job Title. This table generates several questions and concerns from the commercial provider perspective.</p> <p>1. The total number of employees by position does not equate to the number of positions included in the study. (1155 versus the stated amount of 1067). Would the Government please clarify the number of FTE positions under study.</p> <p>2. It is our understanding that for the tasks expected to be performed on this contract, that the Government currently uses Intermittent and WAE employees. Please clarify that the Government does in fact utilize such employees.</p> <p>3. If the Government intends to use such employee categories for this upcoming A-76 procurement, please provide the historical data as to what percentage of the work force has historically performed this work and what percentage is expected to be included in this category by the MEO.</p>	<p>The total number of employees under study is 1067.</p> <p>The government uses both intermittent and “seasonal employees” during anticipated periods of increased workload.</p> <p>Anticipated workload has been provided in TE 5-001 for the base period and each option period. Percentage of workload is a SP business decision. No historical information pertaining to percentage of workforce used will be provided. We do not know nor will we speculate on how the MEO will propose. How the MEO proposes is their business decision.</p>

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	3	Continuation	<p>Based on a GAO study (GAO-02-296 for Federal Employees – 27 Feb 02) conducted for Sen Mikulski, the report listed in part the following"</p> <p>" Temporary limited appointments are appropriate for meeting a range of staffing requirements when an agency expects there will be no permanent need for an employee. Temporary employees can work on a full-time, part-time, seasonal, or intermittent basis. Federal employers are prohibited from using temporary employees to avoid the costs of employee benefits or ceilings on permanent employment levels.Because intermittent employees have no fixed work schedule, they do not earn annual and sick leave."</p> <p>Further information as provided in the DOD 4100.XX-M, A-76 Costing Manual, Interim Guidance, paragraph C1.2.6, Productive hours per FTE indicates that permanent full time, part time and temporary positions are factored at a productive hour of 1,776. Intermittent positions productive hours are factored at 2,007.</p> <p>Paragraph C1.8.1 (Fringe Benefits)states that Intermittent and temporary federal civilian positions only earn a percentage for FICA, which is composed of Old Age& Survivors Insurance Benefit and Medicare. Paragraph C1.8.2.1 cites examples of a 32.85% factor of Base Pay for full time employees and the fringe benefit rate for Intermittent employees as 7.65% of base pay.</p> <p>The Fair Labor Standards Act (FLSA) and the Service Contract Act (SCA) both of which apply to commercial providers requires us to pay Fringe Benefits or cash in lieu of benefits up to a specified amount in the Area Wage Determination. For this procurement this is \$2.59 hour for all hours worked.</p>	<p>For the remainder of the comments please see response to Question 12 under "Questions and Responses from Pre-Proposal Conference" under "Public" on the http://www.irs.gov website under Business Opportunities.</p>

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	3	Continuation	<p>OMB Circular A-76, dated May 29, 2003, Attachment B, Public Private Competition, Section D, Standard Competition Procedures, paragraph 3(a), Solicitation, page B-7, states in part: "An agency shall not issue a solicitation that places any prospective provider at an unfair competitive advantage."</p> <p>Further, A-76 Circular Revised Supplemental Handbook – Introduction July 02 states in part, "Circular A-76 is not designed to simply contract out. Rather, it is designed to:</p> <ul style="list-style-type: none"> (1) balance the interests of the parties to a make or buy cost comparison, (2) provide a level playing field between public and private offerors to a competition, and (3) encourage competition and choice in the management and performance of commercial activities. It is designed to empower Federal managers to make sound and justifiable business decisions <p>Based on the fact that the Government is not required to pay Intermittent employees fringe benefits while commercial providers are required law to do so, the playing field for this A-76 Cost Comparison thus is not level and the MEO receives an unfair competitive advantage. While we recognize that this "quirk" in the laws and regulations governing commercial providers and Government providers is of no fault of the IRS, it does require some adjustment and equity to enable all offerors a fair and equal opportunity to be selected.</p> <p>We suggest that the Government for purposes of evaluation and cost comparison either reduce the commercial offerors' direct labor costs to the equivalent fringe benefit dollar amount as that submitted by the MEO for whatever limits are placed on the number of Intermittent employees allowed for this solicitation or add such costs to the MEO's direct labor costs for Intermittent employees.</p>	

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	4		<p>Reference L.4 B MANAGEMENT PLAN (Volume II Section 2) The SP shall provide a detailed management plan that will be followed during contract execution..... how the proposed project team will interface with both the SP's corporate structure and with the Files Activities command structure.</p> <p>Please provide a description or organization chart of the referenced "Files Activities command structure" so we can indicate how our proposed project will interface.</p>	<p>For the purposes of this requirement, the command structure will consist of the Contracting Officer and Contracting Officer Technical Representative (COTR). Refer to Section C, 1.3.1.2.1, Program Management for additional details.</p>
	5		<p>Section C.1.3.8.1 Management Plan indicates a requirement to submit a Management Plan with the proposal.</p> <p>Is this a separate plan not included in the page count or is the same Management Plan referenced in Section L.4b. If it is the same, the information requested in the Management Plan in Section C does not track with the evaluation criteria in Section L4.b. Some of the items are the same, some are similar and may be asking for the same thing and some of the items are not in both. Please clarify.</p>	<p>The Management Plan in Section C.1.3.8.1 and the Management Plan in Section L.4b are the same requirement. The Management Plan will be included in the page count. Offerors must respond to and will be evaluated on all management plan requirements.</p>

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	6		<p>C1. 5.3.2 Classified Trash - The Service Provider shall ensure that tax data is destroyed rather than disposed of as trash in accordance with IRM 1.15.3.2.1. Tax returns shall only be destroyed in accordance with Section 5.10 of the PWS, which contains destruction information. Materials which do not require special protection or handling shall be treated as waste paper.</p> <p>C3.7.4 Trash and Recycling Collection and Disposal Service</p> <p>The Government will furnish receptacles for recyclable materials and trash. The Service Provider shall comply with procedures for the collection of recyclable materials and disposal of trash in accordance with local governing programs for each facility. The Government will provide for the removal of discarded material from the facility site. See Section 1.5.3 for additional information regarding trash and recycling programs.</p> <p>Question: Please verify that classified trash destruction is by others and is picked up by others in designated locations in the GFF.</p>	<p>Classified trash will be placed in classified trash receptacles and disposed of by others. Commercially available shredders are not provided and should not be used.</p>
	7		<p>How will the implementation of the CIS test program affect the workload data for the outyears (2-5) of this contract. Should we (bidders and MEO) consider this factor when preparing our staffing estimates and price proposal.</p>	<p>The Workload data for the CIS Test Program has been provided in TE 5-001. How the Service Providers and MEO use this information to develop their price proposal is their business decision.</p>
	8		<p>In the planned evaluation methodology for the Price proposal, will all the bidders costs to include the MEO be evaluated based on the workload data as presented in TE 5-001 for the base period and each option period.</p>	<p>The Government will evaluate each respective Service Provider's price proposal based upon the RFP requirements. Workload data is a part of this requirement. Refer to Section L.6 and Section M.6 for additional information.</p>

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	9		Would you please provide how many WAE employees are currently used by location.	This information will not be provided. Only overall FTEs, 1067, will be provided to Service Providers.
	10		Would you please provide how many Intermittent employees are currently used by location.	This information will not be provided. Only overall FTEs, 1067, will be provided to Service Providers.
Respondent 2	11	Section L	Section L .4 clearly states that a subcontracting plan will be provided in Volume II and has no reference to the plan in instructions for Volume III. Section M.3, Subfactor 3 indicates "Large businesses shall provide a small business-subcontracting plan with the hard copy of the cost and price proposal" Please clarify where the Subcontracting plan is to be placed in the proposal.	Section L.4(b) indicates Private Sector proposals shall provide in Volume II, Section B – Management Plan, 3- Subcontracting Plan. A Subcontracting Plan is not required for submission in the Cost and Price Proposal, it is included in the Management Plan.

RFP Comments (Public) FINAL 10/29/04